IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

FRIDAY, THE 13TH JULY 2007 / 22ND ASHADHA 1929

WP(C).No. 21588 of 2007(T)

PETITIONERS:

1. M.VASANTHA,
   MEPODADKA HOUSE, DHARMADADKA POST,
   KASARGODE.

2. V.DAMODARA,
   "MANJUSHRI", PUDUKOLI HOUSE, P.O.ULLODY,
   KASARGODE.

BY ADV. SRI.V.V.ASOKAN
SMT.S.AMINA

RESPONDENTS:

1. STATE OF KERALA,
   LOCAL SELF GOVERNMENT DEPARTMENT, REPRESENTED BY
   ITS SECRETARY, THIRUVANANTHAPURAM.

2. STATE OF KERALA, REP. BY ITS
   SECRETARY TO GOVERNMENT, DEPARTMENT OF WATER
   RESOURCES, GOVERNMENT SECRETARIAT,
   THIRUVANANTHAPURAM.

3. THE CHIEF ENGINEER,
   IRRIGATION (ADMN.), THIRUVANANTHAPURAM.

4. EXECUTIVE ENGINEER,
   IRRIGATION DEPARTMENT, MINOR IRRIGATION DIVISION,
   KASARGODE.

5. DIRECTOR OF PANCHAYATS,
   THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SRI. BIJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 13/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.BALAKRISHNAN NAIR,J.

W.P (C) No. 21588 of 2007

Dated this the 13th day of July, 2007

J U D G M E N T

The petitioners are Upper Division Clerks working in the Irrigation Department. Now they are being deployed to the department of Local Self Government under Exhibits -P2 and P5. The petitioners have already preferred Exhibits-P3 and P4 representations claiming that they may be given suitable posting. The 1st petitioner prays for a posting to Puthika Grama Panchayat. The 2nd petitioner prays she may be posted to Madhur, Kumbadaje or Puthika Grama Panchayat. They point out that there are several vacancies in the cadre of Upper Division Clerk. If eligible Lower Division Clerks are promoted to those vacancies, they will be juniors to the petitioners. Thus, it will be unnecessary to deploy them. Going by the materials produced in this writ petition at present the petitioners are juniors and therefore they are being deployed rightly. Even assuming that some juniors are retained, the same is not a ground to interefere with the deployment order. Such grievances can be brought to the notice of the competent authority. I find that in the representations, they only raised

complaints regarding their place of posting.

2. In view of the above position, the writ petition is disposed of directing the 1st respondent to consider Exhibits P3 and P4 , if they are received and pending, in accordance with law, within two months from the date of production of a copy of this judgment. The petitioners pray for retaining them till the disposal of those representations. The petitioners are surplus hands and they are drawing salary from the Public Funds. So there is no justification for retaining them in the Irrigation Department.

(K.BALAKRISHNAN NAIR,JUDGE)

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K.THANKAPPAN,J

CRL.A. NO.92 OF 1999

ORDER

25th May, 2007